

**UNITED STATES DISTRICT COURT  
DISTRICT OF PUERTO RICO**

In re:

THE FINANCIAL OVERSIGHT AND  
MANAGEMENT BOARD FOR PUERTO RICO,

as representative of

THE COMMONWEALTH OF PUERTO RICO, *et al.*,

Debtors.<sup>1</sup>

PROMESA

Title III

No. 17 BK 3283-LTS

**Re: ECF Nos. 4493,4500**

(Jointly Administered)

**URGENT CONSENTED MOTION FOR EXTENSION OF DEADLINES**

To the Honorable United States District Court Judge Laura Taylor Swain:

The Commonwealth of Puerto Rico (the “Debtor”), respectfully submits this urgent consented motion for extension of deadline, substantially in the form attached hereto as **Exhibit A** (the “Proposed Order”), extending the deadlines set forth in the *Order Scheduling Briefing of Motion to Determine the Applicability of the Automatic Stay and/or Relief from the Automatic Stay* [ECF No. 4500] (the “Scheduling Order”).<sup>2</sup>

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<sup>1</sup> The Debtors in these Title III Cases, along with each Debtor’s respective Title III case number and the last four (4) digits of each Debtor’s federal tax identification number, as applicable, are the (i) Commonwealth of Puerto Rico (Bankruptcy Case No. 17 BK 3283-LTS) (Last Four Digits of Federal Tax ID: 3481); (ii) Puerto Rico Sales Tax Financing Corporation (“COFINA”) (Bankruptcy Case No. 17 BK 3284-LTS) (Last Four Digits of Federal Tax ID: 8474); (iii) Puerto Rico Highways and Transportation Authority (“HTA”) (Bankruptcy Case No. 17 BK 3567-LTS) (Last Four Digits of Federal Tax ID: 3808); (iv) Employees Retirement System of the Government of the Commonwealth of Puerto Rico (“ERS”) (Bankruptcy Case No. 17 BK 3566-LTS) (Last Four Digits of Federal Tax ID: 9686); and (v) Puerto Rico Electric Power Authority (“PREPA”) (Bankruptcy Case No. 17 BK 4780-LTS) (Last Four Digits of Federal Tax ID: 3747). (Title III case numbers are listed as Bankruptcy Case numbers due to software limitations).

<sup>2</sup> The Financial Oversight and Management Board for Puerto Rico, as the Debtor’s representative pursuant to section 315(b) of the *Puerto Rico Oversight, Management, and Economic Stability Act* (“PROMESA”), has authorized the Department of Justice to file this Urgent Motion on behalf of the Commonwealth.

### **Request for Relief**

1. On December 18, 2018, the Corporación Marcaribe Investment (“Movant”) filed a *Motion to Determine the Applicability of the Automatic Stay and/or Relief from the Automatic Stay* [ECF No. 4493] (the “Motion”), requesting that the Court modify the automatic stay pursuant to 11 U.S.C. § 362(d)(1) to allow the Movant to continue an inverse condemnation action filed in the Puerto Rico Court of First Instance, Civil No. AAC2015-0050 (the “Prepetition Action”), or in the alternative a determination that the automatic stay does not apply to the Prepetition Action.

2. On December 19, 2018, the Court entered the Scheduling Order which provides that opposition papers to the Motion must be filed by January 2, 2019, and Movant’s reply by January 9, 2019.

3. The Debtor has reached out to Movant to explore the possibility of a consensual resolution of the Motion. Nevertheless, the Debtor needs additional time to continue conversations with Movant to determine whether a consensual resolution of the Motion is possible. As a result, the parties have agreed to the following extension of deadlines set forth in the Scheduling Order:

- The deadline to file oppositions to the Motion, or to otherwise respond, shall be extended to **January 11, 2019**.
- The deadline for Movant to file a reply to any oppositions shall be extended to **January 18, 2019**.

4. Pursuant to Paragraph 1.H of the *Seventh Amended Notice, Case Management and Administrative Procedures* [ECF No. 4086-1] (the “Case Management Procedures”), the Debtor hereby certifies that it has carefully examined the matter and concluded that there is a true need for an urgent motion; it has not created the urgency through any lack of due diligence; has made a bona fide effort to resolve the matter without a hearing; and has made reasonable, good-faith

communications in an effort to resolve or narrow the issues that are being brought to the Court, and no party opposes the relief requested herein.

**Notice**

5. The Debtor has provided notice of this motion in accordance with the Case Management Procedures to the following parties: (a) the Office of the United States Trustee for the District of Puerto Rico; (b) the indenture trustees and/or agents, as applicable, for the Debtors' bonds; (c) the entities on the list of creditors holding the 20 largest unsecured claims against COFINA; (d) counsel to the statutory committees appointed in these Title III cases; (e) the Office of the United States Attorney for the District of Puerto Rico; (f) counsel to the Oversight Board; (g) the Puerto Rico Department of Justice; (h) the Other Interested Parties;<sup>3</sup> (i) all parties filing a notice of appearance in these Title III cases; and (j) Movant. A copy of the motion is also available on the Debtors' case website at <https://cases.primeclerk.com/puertorico/>.

6. The Debtor submits that, in light of the nature of the relief requested, no other or further notice need be given.

**WHEREFORE**, the Debtor respectfully requests the Court enter the Proposed Order and grant such other relief as is just and proper.

Dated: December 28, 2018  
San Juan, Puerto Rico

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<sup>3</sup> The "Other Interested Parties" include the following: (i) counsel to certain of the insurers and trustees of the bonds issued or guaranteed by the Debtors; and (ii) counsel to certain ad hoc groups of holders of bonds issued or guaranteed by the Debtors.

Respectfully submitted,

**WANDA VÁZQUEZ GARCED**

Secretary of Justice

/s/ Wandymar Burgos Vargras

**WANDYMAR BURGOS VARGAS**

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**Exhibit A**

**Proposed Order**